

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:20-cr-288-DPM-1

MUJERA BENJAMIN LUNGAHO

DEFENDANT

ORDER

Lungaho appeals Magistrate Judge Harris's Order revoking his pretrial release. *Doc. 130 & 132*. The Court has benefitted from the transcript of the revocation hearing and the parties' papers. On *de novo* review, the Court affirms Magistrate Judge Harris's careful decision. 18 U.S.C. § 3145(b). The Court agrees with her ruling.

Magistrate Judge Harris found that Lungaho failed to attend two individual counseling session, failed to submit urine specimens three times, and tested positive for marijuana four times over the course of two months. She also found that Lungaho had sixteen technical violations related to location monitoring. While she concluded that some of those violations were related to Lungaho's difficulty getting to and from work, she did not believe that was true for all of them. Finally, she found that Lungaho violated his conditions when he was arrested for public intoxication. *Doc. 153 at 64-67*.

Lungaho argues that the Magistrate Judge should have modified his conditions to include around-the-clock GPS monitoring and

increased drug treatment. *Doc. 132*. But the mere availability of stricter conditions doesn't show that Lungaho was likely to abide by those conditions. Indeed, the Court had previously modified Lungaho's conditions in an effort to bring him into compliance. *Doc. 65*. The time for turning square corners had passed. In the circumstances, the facts were sufficient to support a finding by clear and convincing evidence that Lungaho was unlikely to abide by any condition or combination of conditions. 18 U.S.C. § 3148(b)(2)(B).

The Magistrate Judge's detention order, *Doc. 130*, is affirmed; and Lungaho's appeal, *Doc. 132*, is denied.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

4 October 2021